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Type of Instrument: ORDER OF ATTACHMENT
Recorded: 3/27/2018
Index Number: 608127 Sequence Number: 308299
Plaintiff(s) :

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SINI, TIMOTHY D, DISTRICT ATTORNEY OF SUFFOLK COUNTY

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Defendant(s) :

FEARON, MICHAEL

Attorney(s) :

TAX_MAP_NO:
0200-453.00-01.00-002.00
0200-453.00-03.00-037.000

Liber Page(s):

ADDITIONAL INFORMATION EXISTS PLEASE SEE DOCUMENT
THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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At a Special Term, Part of the Supreme Court of the State of New York, held for the County of Suffolk, at the Courthouse located at Riverhead, New York, on the 23rd day of March 2018.

PRESENT:

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HONORABLE Joseph Farneti
JUSTICE OF THE SUPREME COURT

----------x

3/27/18

TIMOTHY D. SINI,
District Attorney of Suffolk County,

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Claiming Authority -Plaintiff,

**EX PARTE ORDER OF ATTACHMENT PURSUANT TO CPLR ARTICLE 13-A**

18-01527

against-

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MICHAEL FEARON and
ELIUS CEFERINO GARCIA OVALLES,

Criminal Defendants,

-and-

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M & G CARS UNLIMITED LLC, WAYNE MCCLOUD,
KENYON GREENE, WILSON FIRST CHOICE, LLC,
GOLDEN LUXURY AUTO RENTALS, LLC,
POPS GROG SHOP and JOSEPH FEARON,

Non-Criminal Defendants.

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A motion having been made by plaintiff, the claiming authority, pursuant to Civil Practice Law and Rules §1317 for an ex parte order of attachment of property of the criminal defendants Michael Fearon and Elius Ceferino Garcia Ovalles and non-criminal defendants M & G Cars Unlimited LLC, Wayne McCloud, Kenyon Greene, Wilsons First Choice, LLC, Golden Luxury Auto Rentals LLC, Pops Grog Shop and Joseph Fearon, and this application having come on to be heard before me,

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Now, upon reading the affidavit of Assistant District Attorney Lucie M. Kwon, sworn to the 23rd day of March 2018 and the affidavit of Suffolk County Police Detective John Jacobsen, sworn to the 23rd day of March 2018, wherein it appears that, pursuant to Civil Practice Law and Rules § 1311(5), causes of action exist in favor of the plaintiff against the defendants jointly and severally for forfeiture of proceeds, substituted proceeds and instrumentalities of the crimes of, *inter alia*, Operating as a Major Trafficker, Criminal Sale of a Controlled Substance, Criminal Possession of a Controlled Substance, Money Laundering and Conspiracy to commit said crimes, in the sum of one million six hundred eighty-three thousand dollars ($1,683,000.00) and other sums not yet ascertained, or in the alternative, for a money judgment one million six hundred eighty-three thousand dollars ($1,683,000.00) plus other sums not yet ascertained, which amount is equivalent in value to the proceeds, substituted proceeds and instrumentalities of the defendants' criminal conduct;

And it further appears that the plaintiff is entitled to an order of attachment upon all property of, or debts owing to criminal defendants Michael Fearon and Elius Ceferino Garcia Ovalles for the sum of one million six hundred eighty-three thousand dollars ($1,683,000.00) on the grounds that there is a substantial probability that plaintiff will prevail on the issue of forfeiture, that failure to enter the order may result in the property being removed from the jurisdiction of the Court or otherwise made unavailable for forfeiture, and that the need to preserve the availability of the property through the entry of this order outweighs the hardship on any party against whom the order may operate;

Now, on the motion of Timothy D. Sini, District Attorney of Suffolk County and the plaintiff herein, it is

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ORDERED, that the motion for an ex parte order of attachment is granted, and it is further

ORDERED, that a claiming agent or the Sheriff of the County shall levy by service of this order, by seizure or by filing as appropriate within his or her jurisdiction at any time before final judgment, upon any and all property of or debts owing to criminal defendants Michael Fearon and Elius Ceferino Garcia Ovalles and non-criminal defendants M & G Cars Unlimited LLC, Wayne McCloud, Kenyon Greene, Wilson First Choice, LLC, Golden Luxury Auto Rentals LLC and Pops Grog Shop, as will satisfy the amount of one million six hundred eighty-three thousand dollars ($1,683,000.00) including, but not limited to, the following property:

(a) any and all funds/balances, accounts, investments, Individual Retirement Accounts, certificates of deposit, safe deposit boxes, money instruments and any other accounts held in the names of the following individuals:

- Michael Fearon, date of birth 05-30-1985, Social Security number xxx-xx-0659
- Elius Ceferino Garcia Ovalles, date of birth 01-12-1987, Social Security number xx-xxx-9201
- M & G Cars Unlimited LLC, EIN 46-2710452
- Wayne McCloud, date of birth 12-11-1973, Social Security number xxx-xx-2761
- Kenyon Greene, date of birth 08-24-1974, Social Security number xxx-xx-7750 or 5870
- Wilson First Choice, LLC EIN 82-2739702
- Golden Luxury Auto Rentals LLC, EIN 81-3505046
- Pops Grog Shop, EIN 26-1673418
- Joseph Fearon, date of birth 01-10-1975; Social Security number xxx-xx-9892

at any and all banks, credit unions, financial institutions or brokerage houses, including but not limited to any and all accounts held at all banks, brokerage houses and insurance companies including **but not limited to** the following bank accounts:

JP Morgan Chase Bank
People's United Bank

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Sterling National Bank
TD Bank

(b) the real property and improvements located at **27 Wilson Avenue, Middle Island, New York, District 0200, Section 453.00, Block 01.00, Lot 002.000**, in the names of Michael Fearon and Joseph Fearon and more fully described in Appendix "A" annexed hereto,

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and

(c) the real property and improvements located at **24 Adams Lane, Middle Island, New York, District 0200, Section 453.00, Block 03.00, Lot 037.000**; and more fully described in Appendix "B" annexed hereto, and

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(d) the real property and improvements located at **58 Wilson Avenue, Medford; New York, District 0200, Section 667.00, Block 01.00, Lot 001.000**; and more fully described in Appendix "C" annexed hereto, and

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(e) as well as any and all vehicles identified and located during the course of the investigation as instrumentalities of defendants' criminal activity; and it is further

ORDERED, that any person, including all banking institutions, brokerage houses, credit union, insurance company, or other financial institutions in possession of property which is levied upon pursuant to this Order, shall disclose to the claiming agent, or claiming authority, at the time this Order is served, the names and account numbers on such accounts, funds, certificates of deposit and other financial instruments, any applicable maturity dates, the total balance on deposit in each and all accounts, funds, certificates of deposit and other financial instruments at the time of service of the Order, so that such information can be reported to this Court; and it is further

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ORDERED, that failure by the financial institution to disclose to the claiming agent or claiming authority the account/financial information shall be a contempt of the Court order; and it is further

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ORDERED, that the claiming agent or claiming authority shall take into his or her actual custody all funds levied upon by service of this Order of Attachment which are capable of delivery as soon as practicable after such service, and until such time as the claiming agent takes actual custody, the banking institution, brokerage house, credit union, insurance company, other financial institution, or any other garnishee duly served with the Order of Attachment is

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prohibited from making or suffering any withdrawal, assignment or transfer of, or any interference with such funds to any person other than the claiming agent or the claiming

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authority; the claiming agent must take all property so levied upon in his or her actual custody no later than ninety days after such levy is made, except as may be otherwise provided by this Court; and it is further

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ORDERED, that all money delivered or transferred to the claiming agent or claiming authority by the garnishee shall be held in an interest bearing account at a national or state bank or trust company; and it is further

ORDERED, that following the levy of the aforementioned property, the plaintiff shall move on such notice as this court shall direct to the defendants and to the garnishee(s), if any, for an order confirming the grounds upon which this order of attachment was granted no later than five days after levy is made. Said motion shall be served in accordance with the further directives of this court; and it is further

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ORDERED, that the supporting papers to this order shall not be served upon the defendants until the motion to confirm this order is made pursuant to Civil Practice Law and Rules §1317(2); and it is further

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ORDERED, that all supporting affidavits and exhibits annexed thereto in connection with the ex parte order of attachment herein and any other papers filed in connection herewith are hereby sealed until further order of this Court pursuant to Civil Practice Law and Rules §1311(6); and it is further

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ORDERED, that the County Clerk shall thereby index the Order of Attachment against the property of the defendants named herein; and it is further

ORDERED, that an index number and Request for Judicial Intervention for this

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action shall not be required for the order of attachment, but shall be obtained by the plaintiff after levy but prior to the filing of this order, and noted in any subsequent papers in this action.

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ENTER,

3/23/2018

JUSTICE OF THE SUPREME COURT

Endorsement of the Claiming Authority:

TIMOTHY D. SINI
District Attorney of Suffolk County
Plaintiff
North County Complex, Building 77
Veterans Memorial Highway
Hauppauge, New York 11787-4311
(631) 853-4153

By: _____
LUCIE M. KWON
Assistant District Attorney

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FILED
2018 MAR 27 P 4:01
JUDITH A. PASCUALE
SUFFOLK COUNTY CLERK